



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,846	12/26/2001	Vidya Bhushan Lohray	U 013785-7	9836

140 7590 08/13/2003

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

QAZI, SABIHA NAIM

ART UNIT	PAPER NUMBER
----------	--------------

1616

DATE MAILED: 08/13/2003

C

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,846

Applicant(s)

LOHRAY ET AL.

Examiner

Sabiha Qazi

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

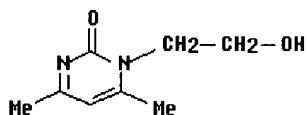
- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

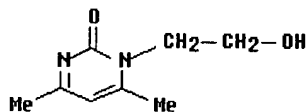
- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Acknowledgement is made of the response filed in paper no. 5 dated 5/22/03. Amendments are entered. Claims 26 and 27 are pending. No claim is allowed. Rejection under 112 (2) is withdrawn because claims are amended. Arguments were fully considered but are not found persuasive. Where is the support for amended claims 26 and 27 so that one of the X or Y represents C=O or C=S, according to this definition Z does not represent C=O. The term "amide" was found on page 10 as was said in the response.

1. Claims 26 stand rejected under 35 U.S.C. 102(b) as being anticipated by Taran et al. (DN 113:122566, HCAPLUS, abstract of Zashch. Met. (1990), 26(3), 483-6). See compound of RN 14716-32-6.



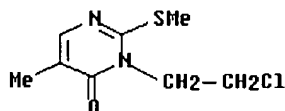
2. Claims 26 rejected under 35 U.S.C. 102(b) as being anticipated by Abdrakhmanov et al. (DN 124:343330, HCAPLUS, abstract of RU 2044730). See compound of RN 176793-48-9.



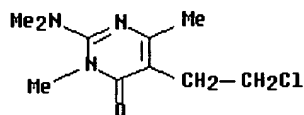
• HCl

Art Unit: 1616

3. Claims 27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bagley et al. (DN 114:185242, HCAPLUS, abstract of EP 396282, US eq. 5,053,411, example 30). See compound of RN 131728-32-0. See examples 23 and 30 in US 5,053,411.



4. Claims 27 rejected under 35 U.S.C. 102(b) as being anticipated by Kennis et al. (DN 114:102032, HCAPLUS, abstract of EP 378255, US eq. 5,140,029, example 1, intermediates 1 and 2). See compound of RN 132137-02-1 and 132137-03-2.



5. Claims 26 and 27 rejected under 35 U.S.C. 102(b) as being anticipated by Gacek et al. (DN 87:53374, HCAPLUS, abstract of DE 2646676) See compounds of RN 63331-08-8; 63331-09-9; 63331-10-2; 63331-16-8; 63331-17-9; 63331-50-0).

Information Disclosure Statement

The applicant has an obligation to call the most pertinent prior art to the attention of the Patent Office in a proper fashion. Burying one reference in one hundred other IDS references is like citing nothing. *PENN YAN BOATS, INC. v. SEA LARK BOATS, INC.*, 175 USPQ 260 (DC Sfla 1972). *Golden Valley Microwave Foods Inc. v. Weaver Popcorn Co. Inc.*, 24 USPQ2d 1801 (U.S. Dist. N. Dist. IN 1992).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabiha Qazi whose telephone number is 703-305-3910. The examiner can normally be reached on every business day..

Art Unit: 1616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 703-308-2927. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.



SABIHA QAZI, PH.D
PRIMARY EXAMINER

August 10, 2003